

REMARKS

Claims 1-14 are pending in this application. Independent claims 1, 5, 9 and 11 have been amended to clarify the invention being claimed. Applicants respectfully request reconsideration and allowance of the present application in light of the Amendments and Remarks presented herein.

Claim Rejections Under 35 U.S.C. § 101

Claims 1-4 and 9-14 and were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Specifically, the Office stated that these claims “are not limited to tangibly embodiments since they do not claim physical articles or objects as part of the claims” Applicants respectfully disagree with this assertion. However, in an effort to move this case to allowance, Applicants have amended independent claims 1, 9 and 11 so that each claim positively recites physical and tangible electronics elements as part of the claims. For example, independent claims 1 and 11 each recite “creating, by the server, the portion of the response that changes” Additionally, independent claim 9 recites “a cache disposed in an operating system kernel of a server” and “a processor of the server configured for” Since independent claims 1, 9 and 11 positively recite electrical components, independent claims 1, 9 and 11, as well as the claims dependent therefrom, are directed to patentable subject matter under 35 U.S.C. § 101 and are not merely abstract ideas. Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection of claims 1-4 and 9-14 under 35 U.S.C. § 101.

Claim Rejections Under 35 U.S.C. § 103

The Office rejected claims 1-14 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,606,525 to Muthuswamy et al. (hereinafter “Muthuswamy”) in view of U.S. Patent No. 6,934,761 to Curtis (hereinafter “Curtis”). In order to establish obviousness, the Office must consider all of limitations of a claim in determining patentability of that claim against the prior art. M.P.E.P. § 2143.03. All of Applicants’ claims, either directly or through dependency, have recitations that cannot be found in Muthuswamy or Curtis, whether considered individually or in combination.

Independent claims 1, 5, 9 and 11 have been amended to recite:

“... creating, by the server, the portion of the response that changes;

 sending the portion of the response that changes to the client application and retrieving at the server the part of the response that is static from a cache disposed in an operating system kernel of the server, wherein the server is separate from the computer; and

 sending the part of the response that is static from the server to the client application of the computer.”

In rejecting the above recitations, the Office relies on Muthuswamy at column 3, lines 39-41 and column 4, lines 39-46. Column 3, lines 36-48 and column 4, lines 35-47 on Muthuswamy recite (emphasis added):

Another method to distinguish the data is to define a new data structure and file format for HTML files such that the static and dynamic contents are separated into two different files. *When refreshing of the downloaded web page is requested, only the dynamic content file is downloaded from the web server.* This embodiment eliminates the need for the user computer to sort through the data from a the downloaded web page and add pointers to dynamic and static content as the web server does the work of sorting dynamic and static content. The user computer then simply requests the dynamic data file instead of comparing the static and dynamic data in the local cache.

...
According to the present invention, the static content of a page will be associated with specific layers of a document which will remain the same between downloads. Special pointers will be implemented in the HTML document to identify static and dynamic layers. Whenever the rendering engine sees pointers for static layers, it will reuse static content from the cached version of the page *instead of downloading it from the server.* *Only the dynamic portions of the document will be retrieved from the server when refreshing of the downloaded web page is requested.* *The browser will then merge the static and dynamic layers and render them for the refreshed web page on the browser.*

Accordingly, Muthuswamy discloses only the dynamic content file is downloaded from the web server. In other words, the content sent by the Muthuswamy server is completely dynamic content. Muthuswamy does not teach or suggest “retrieving *at the server* the part of the response

that is static from a cache disposed in an operating system kernel of the server” and “sending the part of the response that is static *from the server* to the client application of the computer,” as recited in amended independent claims 1, 5, 9 and 11. There is no discussion in Muthuswamy of static content being handled by the server at all, much less static content being retrieved by the server and being sent to the computer as a portion of a response (along with dynamic content being created by the server as another portion of the response). As such, it is submitted that independent claims 1, 5, 9 and 11 recite features not taught or suggested by Muthuswamy. It is noted that Curtis does not remedy the deficiencies of Muthuswamy. Curtis only discusses a method for managing HTTP caches and transmitting HTTP request data in a web server. *See* Curtis, Abstract. However, the webpages discussed in Curtis are all sent at one time and all webpages are also either completely static or completely dynamic webpages. There is no discussion in Curtis of a server sending a webpage having both a partially dynamic portion as well as a partially static portion. Further, there is certainly no discussion in Curtis of sending a response to a request by sending the dynamic portion of the webpage and retrieving and sending the static portion of the webpage.

In light of the above, it is submitted that independent claims 1, 5, 9 and 11, as well as the claims dependent therefrom, are allowable over the cited art. Reconsideration of this application, as amended, is hereby requested.

Applicant believes he has responded to the concerns raised by the Office. Should any further issues remain, Applicants respectfully request a phone interview with the Examiner to further this case towards allowance.

Conclusion

In view of the amended claims and the Remarks presented above, it is respectfully submitted that all of the present claims of the application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 13-4365.

Respectfully submitted,



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